

1 JOHN L. BURRIS, Esq./ State Bar #69888
2 BENJAMIN NISENBAUM, Esq./State Bar #222173
3 LAW OFFICES OF JOHN L. BURRIS
7677 Oakport Street, Suite 1120
Oakland, California 94621
Telephone: (510) 839-5200 Facsimile: (510) 839-3882
4

5 MICHAEL J. HADDAD, Esq./ State Bar #189114
6 JULIA SHERWIN, Esq./ State Bar #189268
HADDAD & SHERWIN
505 Seventeenth Street
Oakland, CA 94612
7 Telephone: (510) 452-5500 Facsimile: (510) 452-5510
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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 RAHSAN KOUNTZ, THOMAS ROBERSON,
11 and B.M., a minor, by and through his next
12 friend, Felicia Williams; STEPHEN JOHNSON,
13 Plaintiffs,

Case No. 09-05316 MHP

**STIPULATION AND (PROPOSED) ORDER
TO CONTINUE CASE MANAGEMENT
CONFERENCE**

14 vs.

15 CITY OF OAKLAND, a municipal corporation;
16 WAYNE TUCKER, in his capacity as Chief of
Police for the CITY OF OAKLAND; JAMES
17 BASSETT, individually and in his capacity as a
police officer for the CITY OF OAKLAND;
SHANE TARUM, individually and in her
18 capacity as a police officer for the CITY OF
OAKLAND; EVAN FRAZIER, individually and
in his capacity as a police officer for the CITY
19 OF OAKLAND; R. HOLTON, individually and
in his capacity as a police officer for the CITY
OF OAKLAND; PATRICK GONZALES,
21 individually and in his capacity as a police
officer for the CITY OF OAKLAND; M.
22 GARCIA, individually and in his capacity as a
police officer for the CITY OF OAKLAND;
23 BRUCE VALLIMONT, individually and in his
official capacity as a police officer for the CITY
OF OAKLAND; B. RIVERA, individually and
25 in his official capacity as a police officer for the
CITY OF OAKLAND; and, DOES 1-50,
27 inclusive,

Defendants.

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1 On Monday, April 26, 2010 at 4:00 p.m. counsel from the Law Offices of John L. Burris,
2 Haddad and Sherwin and the City of Oakland are scheduled to appear at a Case Management
3 Conference in the matter of Rahsan Kountz et al v. City of Oakland et al. The instant matter is related
4 to the James Taylor et al v. City of Oakland et al, cases which are set for Bench Trial, Closing
5 Arguments on Tuesday, April 27, 2010 at 2:30 p.m. The parties are requesting that the Case
6 Management Conference currently set for Monday, April 26, 2010 at 4:00 p.m. in the instant matter,
7 be continued.
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9 The instant case was filed on November 9, 2009. The defendants were served with the
10 Complaint and Summons on January 25, 2010. The defendants were granted an extension by the
11 plaintiffs beyond the date of February 16, 2010 to file an answer in the instant matter due to both
12 parties working jointly through all of the trial preparation in the related cases. On March 4, 2010, the
13 Court issued an order in the Kountz matter deeming plaintiffs' claims as misjoined and directing that
14 all but one of the plaintiffs be dismissed and new actions be filed as to each of the dropped plaintiffs
15 within twenty days of the Court's order. Thereafter, the Court granted the plaintiffs an extension
16 beyond twenty days to undertake the matter due to the fact the parties were currently in the midst of
17 trial on the related cases.
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19 In light of the foregoing, the parties believe that a Case Management Conference in the
20 Kountz matter at this juncture would not be productive and are therefore requesting that the Case
21 Management Conference be continued to a date in June or July 2010 after the parties have had an
22 opportunity to address the outstanding issues in the Kountz case.
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1 Respectfully submitted,
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Dated: April 21, 2010

THE LAW OFFICES OF JOHN L. BURRIS

5 /s/ John L. Burris
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John L. Burris, Esq.
7 Attorney for Plaintiffs
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9 Dated: April 21, 2010

HADDAD & SHERWIN

11 /s/
12

Michael J. Haddad, Esq.
13 Attorney for Plaintiffs
14

15 Dated: April 21, 2010

16 OFFICE OF THE CITY ATTORNEY
17 CITY OF OAKLAND
18

/s/

19 Arlene M. Rosen,
20 Attorney for Defendant
21 CITY OF OAKLAND, et al.
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1 (PROPOSED) ORDER
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GOOD CAUSE SHOWN, the Case Management Conference is continued to July 26,
2010 at 4:00 p.m.

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10 **IT IS SO ORDERED.**
11 Dated: April 22, 2010

